

The Leesburg Planning Commission met on Thursday, March 18, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Lee Phillips, Brian Boucher, Paul Gauthier and Linda DeFranco.

### **CALL TO ORDER**

The meeting was called to order at 7:00pm by Chairman Vaughan.

### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Present: Chairman Vaughan  
Vice Chairman Werner  
Commissioner Bangert  
Commissioner Barnes  
Commissioner Kennedy (7:10pm)  
Mayor Umstattd

Absent: Commissioner Hoovler  
Commissisoner Dubé

### **ADOPTION OF THE AGENDA**

Commissioner Bangert moved to adopt the agenda as presented:

Motion: Bangert  
Second: Werner  
Carried: 4-0-3

### **ADOPTION OF MINUTES**

Commissioner Bangert moved to adopt the minutes of the February 19, 2004 meeting as submitted:

Motion: Bangert  
Second: Barnes  
Carried: 4-0-3

Note: Vice Chairman Werner was absent at the February 19<sup>th</sup> meeting, but voted to adopt the minutes as presented.

Commissioner Kennedy was not present for these two votes.

**CHAIRMAN'S STATEMENT**

Chairman Vaughan went over the agenda stating that it was very short.

**PETITIONERS**

None

**PUBLIC HEARINGS**

None

**SUBDIVISION AND LAND DEVELOPMENT**

None

**ZONING****Kentucky Fried Chicken – SE 2002-12 – Brian Boucher, Zoning Administrator**

Mr. Boucher reviewed the plans and pointed out the changes that were made to the plans with the most recent submission. The changes were moving the drive through lane closer to the building, increasing the truck parking from 40' to 50', changing the landscape island in the parking lot from the east side to the west side of the lot, and changes in the size of the buffer yards. There was still concern about the delivery vehicle sweep path, and the size of the parking spaces on the north side of the parking lot.

Chairman Vaughan asked if changing the partner restaurant from A&W to a Long John Silver's would have an impact in traffic volume since Long John Silver's is more full service.

Paul Gauthier of the town's Engineering department said that the traffic studies are directly related to size of restaurant or number of seats. The fact that it's an A&W vs. Long John Silver's doesn't impact the traffic study.

Mark Nelis, Counsel for Yum Brands, addressed the Commission reiterating some of the items that were identified as problem areas. Regarding the modification of the buffer yards, they can still work on that, and don't feel this a reason for denial. The sweep path of the delivery vehicles is being misrepresented. They feel that according to the Town of Leesburg staff report, condition 4 says that the vehicle must be able to enter the area without excessive maneuvering. They feel that they can meet this criteria without having the truck encroach on the sidewalk area. The third reason for suggestion of denial is the parking spaces being too short. This is a drafting error. They are well aware that they need to comply with standards. The issues of site access, fire and rescue access and architecture can be met. They are offering road improvements for the intersection in the area, other uses might not bring this about. While fire and rescue had some concerns

about site access, they never stated that they couldn't access it. Any use on that parcel will create some challenges. The applicant has reviewed all of the conditions and feels that they can comply.

Roland Dove of Spring Engineering came forward to speak about the site and to show some new architectural drawings. He reiterated that the size of the parking spaces indicated on the west side was a drafting error. He feels that the sweep path showing the truck ingress and passage through the parking lot is fine. Mr. Dove presented some new architectural renderings at this point. He explained that there was limited latitude at the local rep level – most of the changes need to come through the corporate level. They can add brick to the building, eliminate illuminating the cupola, but need to keep the red and white stripe. Long John Silver's eliminates a checkerboard pattern on the building, but does add bright blue awnings, along with a red fish that is part of the logo. This project will bring between 20-30 jobs into area and should generate over \$7,000 a year in tax revenue to the Town.

Chairman Vaughan asked that the Commissioners comments be limited to questions of the staff and/or applicant. He asked that they not editorialize on the project.

Commissioner Bangert stated that all of her questions had been answered during the presentation.

Mayor Umstaddt asked how Bellewood Commons access is in comparison to the access at the Kentucky Fried Chicken site. Paul Gauthier responded that the access at Bellewood Commons is not ideal and creates a hazard in that area. This is the type of situation must be avoided. Currently the standard is for 30' and 50' trailers only. There needs to be legislative change to incorporate use of a 40' truck. The applicant has already stated that the 30' standard is too small. Mayor Umstaddt asked if a sit down restaurant would generate the most traffic in that area? Mr. Boucher responded that he was not prepared to answer that question. She asked him to be prepared to answer questions along this line when this is presented to Council. She also asked Mr. Dove to take the architectural changes to the corporate level to see if they can't be improved upon.

Vice Chair Werner asked if the level of service is not provided, then even a by-right application could be denied. Mr. Gauthier responded that the problem may not actually be "on site" if it causes an intersection to fail. When a condition is imposed, if they can't make it work, then it should be denied.

Commissioner Kennedy asked that perhaps the Dunkin Donuts site looked OK on paper, but now in reality does not work well? He went on to ask that apparently the town does not have the zoning inspectors or any other inspectors to make sure that the proper size truck is delivering to the facility. Mr. Gauthier said yes, this was the case.

Mr. Kennedy went on to say that he had looked at many KFC sites and that this site would be an average KFC site. Now the projections of volume for this store has more than doubled from the original statement thus creating more than double the volume of

traffic. The drive through provides up to 75% of the volume of traffic at this site, a sit down would significantly decrease this.

Commissioner Barnes had no questions.

Commissioner Bangert moved that the PC deny special exception application SE 2002-12 for the reasons stated in the March 18, 2004 memo to the Planning Commission.

Vice Chair Werner stated her reason for a vote of denial. She said the issue is not whether a drive through restaurant or not be on the site, but that the plans do not meet the required standards. The Zoning regulations are there for a reason, safety issues are important, the reduction of buffer yards is important. The guidelines are there to help.

Motion:       Bangert  
Second:       Kennedy  
Carried:       5-0-2

### **COUNCIL AND REPRESENTATIVE'S REPORT**

Mayor Umstattd cited the article in the Washington Business Journal regarding the KSI project and Leegate. The application has not yet come in . Also, Meadowbrook will change that parcel from A-1 to Residential. This has not yet been accepted.

Commissioner Bangert attended the joint Economic Development Meeting. She said that this was a very productive meeting and stated that Main Street Loudoun would like to have a branch for Leesburg called Leesburg Crossroads. The Flower and Garden Show is coming up in April, and during the Gallery Walk there will be shuttles to Carradoc Hall which will be featuring an agricultural art show.

Chairman Vaughan said that the proposed wayfinding signs in the Old and Historic District were the topic of discussion at the BAR. Apparently VDOT has standards for signs that don't necessarily comply. Also, the National Trust & Architectural Awards are considering Mr. Zion Methodist Church for an award.

### **OLD BUSINESS**

With regard to the retreat, March 27 is not a good date for the Commission to meet. April is also presenting challenges. Would it be possible to meet at night, perhaps 4 or 5pm until around 10pm. It was suggested that no decision be made until it was determined whether a four to five hour time frame would be adequate to accomplish what is necessary. Chairman Vaughan said that this retreat is very important and that some of the items up for discussion were the Comp Plan, By laws, Business Friendly procedure, site plan review and eliminating some steps, etc.

Commissioner Kennedy suggested that perhaps they meet one night to organize their agenda and then spend one Saturday with a facilitator to discuss all the items. They will email each other to determine when they could meet.

Terms of Appointment was the next point of discussion.

Commissioner Kennedy moved that the Planning Commission recommend that the Town Council rescind Resolution Number 2000-148, as it pertains to the Planning commission only, in order to eliminate the practice of each member appointing a nominee for the Planning Commission to serve simultaneously with the Council member's term. He further moved that the Planning commission recommend to the Town Council that they revise the application process so that available positions are publicized, and that the review and selection is conducted by the entire Council.

Commissioner Kennedy stated that the current system has not allowed for continuity required on the Commission.

Vice Chair Werner asked if the Council had discussed this at all yet? The Mayor responded that it had not been brought before Council yet.

Chairman Vaughan mentioned that he was part of a discussion regarding the creation of an Orientation package. This concern was also brought up by other Commissions. Also, the position that is appointed by the Mayor needs to be in line with the State Code of four year appointments.

Motion: Kennedy  
Second: Bangert  
Carried: 5-0-2

Vice Chair Werner asked what the Board and Commission orientation is all about. She questioned why member of Boards and Commissions that have been serving for some time would now want to attend an orientation. Chairman Vaughan said that this is being created for those new appointees and should be attended within a set timeframe after their date of appointment.

### **NEW BUSINESS**

Lee Phillips, sitting in for Susan Swift, stated that the Capital Improvement Projects will be submitted for the April 1 meeting, with the public hearing on this scheduled for the April 15 Planning Commission Meeting.

On April 23<sup>rd</sup> they were scheduled to take a tour of Kentlands, however, the planning officials will not be available. Should this be rescheduled, or go ahead with the Town Planning Staff. The consensus was to continue with the Town Planning staff.

Main Street Loudoun will be holding a session entitled "Creating a Safe, Walkable Community" on March 26<sup>th</sup> from 8am until 3pm. The fee is \$5 and reservations should be made by March 23<sup>rd</sup>.

**ADJOURNMENT**

The motion was made and seconded to adjourn the meeting at 8:39pm.

**Prepared By:****Approved By:**

---

**Linda DeFranco, Commission Clerk**

---

**Clifton Vaughan, Chairman**